other persons as are requested by MSHA or the applicant to be observers, shall be present during any examination, inspection or test conducted prior to the issuance of an approval by MSHA for the instrument under consideration.

(d) MSHA shall hold as confidential any analyses, drawings, specifications, or materials submitted by the applicant and shall not disclose any principles or patentable features of such equipment, except as required by statute or regulation.

(e) As a condition of each approval issued for any analyzer or detector, MSHA reserves the right, following the issuance of such approval, to conduct such public tests and demonstrations of the approved instrument as it deems appropriate.

[37 FR 7565, Apr. 15, 1972, as amended at 39 FR 24003, June 28, 1974]

§ 29.56 Withdrawal of applications.

Any applicant may, upon a written request submitted to MSHA, withdraw any application for approval of any analyzer or detector.

[37 FR 7565, Apr. 15, 1972, as amended at 52 FR 17515, May 8, 1987]

Subpart G—Portable Coal Dust/Rock Dust Analyzers; Performance and Testing Requirements

§ 29.60 Minimum performance requirements.

(a) Portable coal dust/rock dust analyzers shall be self-contained units, practical in operation, portable, and suitable for service in underground coal mines.

(b) The analyzer shall be equipped with a quantitative indicating device that is capable of indicating the incombustible content of coal mine dusts over the range of from 50 percent to 100 percent incombustible.

(c) Analyzers equipped with batteries shall be constructed so that when such batteries are filled, electrolyte will not spill during use.

(d) Battery containers shall be made of corrosion resistant material.

§ 29.61 Testing requirements.

(a) Portable coal dust/rock dust analyzers shall be tested to ensure that they meet the minimum construction and performance requirements set forth in §§ 29.51, 29.52, and 29.60.

(b) The sampling materials listed in Table A shall be used in testing the capability of the indicating device of the portable coal dust/rock dust analyzer to measure incombustible content as specified in § 29.60(b).

(c) The indicating device of the analyzer being tested shall be within ±3 percent of the chemically determined incombustible content for 80 percent of the standard samples and inspector's samples listed in Table B.

(d) In preparing sampling materials for testing, all sampling materials shall be:

(1) Air equilibrated;

(2) Carefully mixed to minimize segregation or degradation;

(3) Stored in moisture- and air-tight containers to prevent oxidation and drying; and,

(4) Analyzed for percent incombustible content within ±1 percent, by chemical analysis.

(e) In order to determine the reliability and utility of the analyzer, personnel of MSHA shall field test the instrument for 1 month in various underground coal mines, in accordance with the applicant's operating and maintenance instructions.

(f) MSHA may conduct any additional field testing it deems necessary.

TABLE A—SPECIFICATIONS FOR SAMPLING MATERIALS USED FOR COAL DUST/ROCK DUST ANALYZER TESTING (PERCENTAGES BY WEIGHT; PARTICLE SIZE ±2 PERCENT)

1. Bruceton mine coal, Pittsburgh Seam, 6 to 8 percent ash, 100 percent through U.S. No. 100 sieve, 70 percent through U.S. No. 200 sieve.

2. Pocahontas low volatile, 5 to 6 percent ash, less than 0.7 percent total sulfur, 70 percent through U.S. No. 200 sieve.

3. Pittsburgh Seam, run-of-mine, 27 to 32 percent ash, 1.5 to 2.5 percent sulfur, 100 percent through U.S. No. 20 sieve and 20 percent through U.S. No. 200 sieve.

4. Pyrite, coal-derived, 90 percent or better FeS_2, 70 percent through U.S. No. 200 sieve.

5. $MgCO_3$, analytical grade, powdered, 70 percent through U.S. No. 200 sieve.